GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5828
ANSWERED ON:30.08.2001
SEMINAR ON WORKING OF JUDICIAL AND LEGAL SYSTEM
GADDE RAMAMOHAN;M.V.V.S MURTHI;SHIVAJI MANE

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) Whether the Bar Council of India organized a seminar with a theme on working of judicial and legal system in the post-independence era recently;

(b) If so, the details in this regard;

(c) The details of discussion held and the outcome thereof; and

(d) The reaction of the Government thereon?

Answer

MINISTER OF LAW, JUSTICE, CO. AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (d): a Seminar on ` Working of the Judicial System in the Post-IndependenceEra and Challenges before it` was held at Shimla. The hon`ble Minister of Law, Justice & Company Affairs inaugurated the Seminar and addressed the same.Five topics, namely, Judicial Activism, Judicial Accountability, Quest for an Independent Forum for the Choice of Judges, Perception of Public regarding the Functioning of the Legal System, Environmental and Human rights, were discussed. With regard to judicial activism, it was felt that, though it was desirable, it should not encroach upon fields that were the exclusive domains of the Executive and the Legislature. The need for judicial accountability was urged by every speaker. The speakers generally felt that there should some statutory mechanism for assessing the performance of the judiciary. It was also felt that the provision in the Constitution for impeachment was not an effective remedy or solution. For the choice of the Judges at the High Court and Supreme Court level, it was stated by the speakers that there should be a National Judicial Commission;desirability of constituting an All-India Judicial Service for subordinate judiciary was also mooted by some. Regarding public perception of the judicial and legal system, members generally felt that judicial system was still respected, though delays were deprecated. So far as the human rights and the environmental issues are concerned, speakers generally felt that there should be awareness about them. The Pollution Control Boards should be vigilant.Where human rights are concerned, police excesses and custodial deaths should be severely dealt with. No specific recommendations were made at the Seminar.